

UNITED STATES COURT OF APPEALS
FOR THE NINTH CIRCUIT

FILED

MAR 08 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

CHRIS BAKER,

Defendant - Appellant.

No. 05-10623

D.C. No. CR-03-00563-SOM
District of Hawaii,
Honolulu

ORDER

The motion of DeAnna S. Dotson, Esq., to withdraw as counsel of record under *Anders v. California*, 386 U.S. 738 (1967), is referred to the panel assigned to hear the merits of this appeal. The panel will conduct an independent review of the record. *See Penson v. Ohio*, 488 U.S. 75, 80-81 (1988). After it conducts its review, the merits panel will determine whether counsel may be allowed to withdraw and whether new counsel will be appointed. *See Penson*, 488 U.S. at 83.

Appellant may file a pro se supplemental opening brief raising any issues by April 25, 2006. On or before May 25, 2006, appellee shall file the answering brief or notify this court by letter that no answering brief will be filed. *See* 9th Cir. R. 31-2.3 (appellee's failure to file the answering brief or notify the court that no brief will be filed may result in the imposition of sanctions). If appellee files the

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answering brief, the optional reply brief will be due within 14 days after service of the answering brief.

The clerk of the district court shall forward to this court the clerk's record within 10 days of receipt of this order. *See* 9th Cir. R. 11-4.4.

The Clerk shall serve a copy of this order on appellant individually at Reg. No. 90896-022, USP Lompoc, 3901 Klein Blvd., Lompoc, CA 93436, as well as on counsel for appellant.

For the Court


Annemarie Hennelly
Staff Attorney/Deputy Clerk
9th Cir. R. 27-7
General Order 6.3(a)